

MINUTE ITEM

This Calendar Item No. C31 was approved as Minute Item No. 31 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM

C31

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06/26/06
PRC 7766.1
D. Jones

ASSIGNMENT AND AMENDMENT OF LEASE

LESSEE/ASSIGNOR:

Gary Kaveney

ASSIGNEE:

Verona Marina, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, near Verona, Sutter County.

AUTHORIZED USE:

The operation and maintenance of a 48 berth marina, including 22 covered berths, 450 lineal feet of side-tie dockage, day-use docks, sewage pumpout, debris deflector, boat launching ramp, and a gabion wall.

LEASE TERM:

25 years, beginning May 26, 1994.

CONSIDERATION:

A Minimum Annual Rent of \$3,770 against a percentage of gross receipts including five percent of gross income for the berthing, docking, mooring or launching of boats, and ten percent of all other income.

PROPOSED AMENDMENT:

The lease will be amended to include provisions that the Lessee implement the Commission's "Best Management Practices for Marina Owners/Operators" and incorporate the Commission's "Best Management Practices for Berth Holders and Boaters" into Lessee's berth rental agreements, including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. In addition to the inclusion of the BMPs for Berth Holders and Boaters into the berth rental agreements, the Lessee shall post such publication in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease.

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and tri-annually thereafter, a report on compliance with all BMPs. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Assignee will own the uplands adjoining the lease premises at the close of escrow.
2. On May 26, 1994, the Commission approved a 25-year General Lease – Commercial Use, to Gary Kaveney for the construction and operation of a 48-berth marina. Verona Marina, Inc., is purchasing the marina and has applied to the Commission for approval of an assignment of the lease. The effective date of the assignment and amendment will be the date of the close of escrow, but no later than December 31, 2006. Verona Marina, Inc., has agreed to amend the lease to include “Best Management Practices for Marina Owners/Operators” and the Commission’s “Best Management Practices for Berth Holders and Boaters”.
3. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a “project” as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff’s consultation with the persons nominating such lands and through the CEQA review process, it is the staff’s opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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CEQA FINDING:

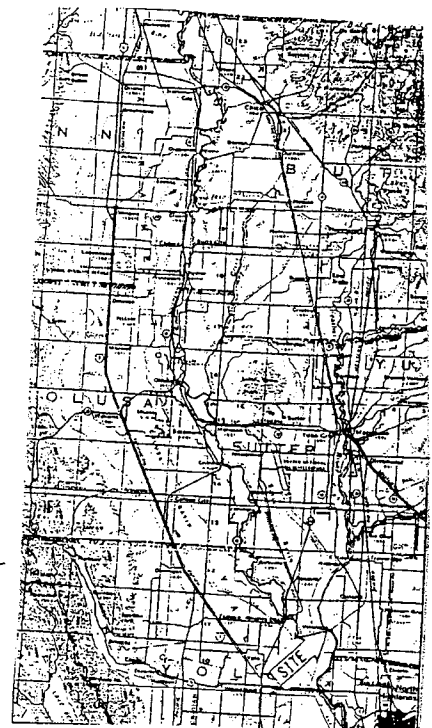
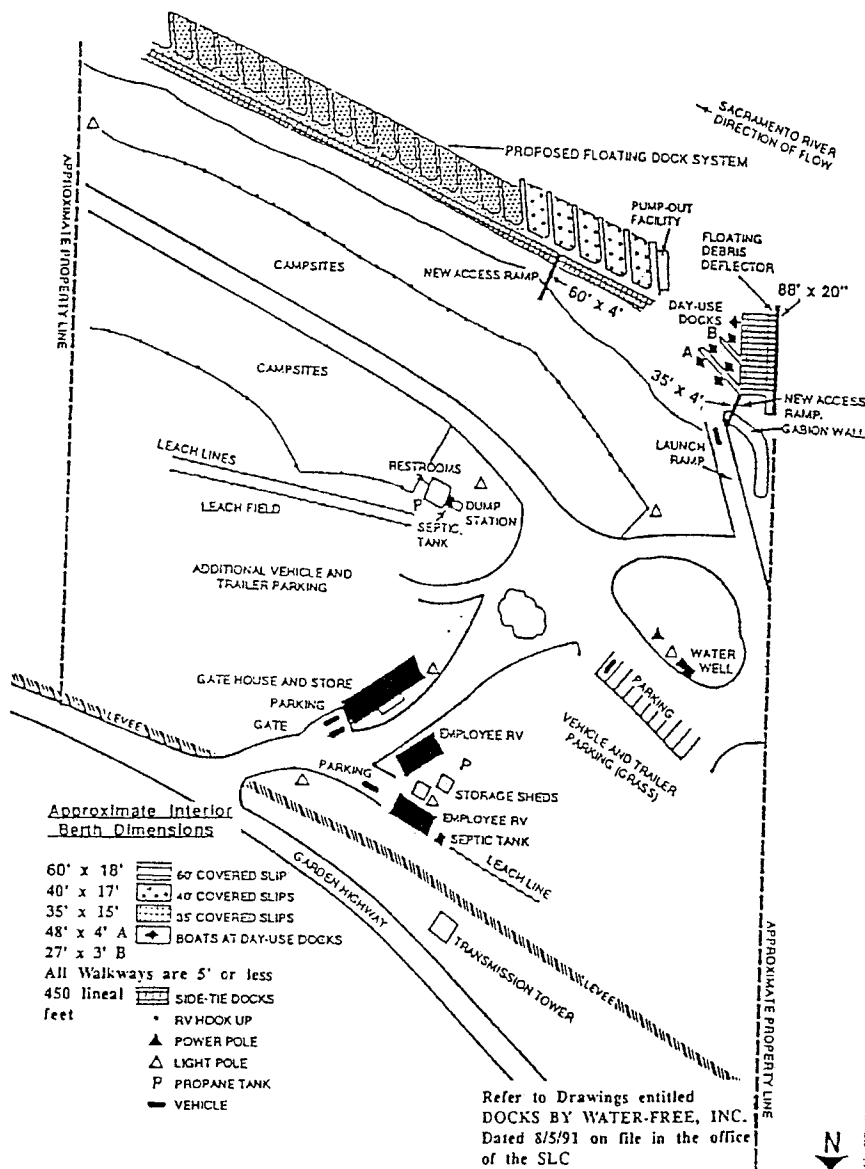
FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 7766.1, A GENERAL LEASE - COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM GARY KAVENEY TO VERONA MARINA, INC, EFFECTIVE AT THE CLOSE OF ESCROW, BUT NO LATER THAN DECEMBER 31, 2006.
2. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7766.1, A GENERAL LEASE – COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF, EFFECTIVE AT THE CLOSE OF ESCROW, BUT NO LATER THAN DECEMBER 31, 2006, TO ADD PROVISIONS INVOLVING BEST MANAGEMENT PRACTICES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

Exhibit A
PRC 7766.1